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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,689	12/10/1999	RYO FUJIMOTO	35.G2512	9176

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 10/05/2005

·Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-12,14-20,22-29,31-37,39-46 and 48-60* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-12,14-20,22-29,31-37,39-46 and 48-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

8/15/2005 has been entered.

2.   Applicant's Amendment filed on 8/15/2005 has been entered with amended

claims 1, 10, 18, 27, 35, 44 and 58-60. Claims 1-3, 5-12, 14-20, 22-29, 31-37, 39-46

and 48-60 are pending in this Office Action.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1-3, 5-12,14-20, 22-29, 31-37, 39-46 and 48-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US Patent 5,761,655) hereinafter Hoffman, and in view of Schwartz et al. (US Patent 5,905,988) hereinafter Schwartz.

5.   As per independent claims 1, 18, 35, 58, 60, Hoffman teaches a system to store, retrieve and display images of thumbnail size. The size of the thumbnails displayed can be changed to allow visually reviewing a large number or concentrating on a smaller number of but larger size images after reduction in the umber of thumbnails. Thumbnails as well as other image files and other related text files are indexed and searched using keywords. The search can be performed using personalized super-keywords, which are combinations of keywords and other file and data characteristics as keywords (col. 4, lines 8-21). Hoffman teaches the claimed "image storage means for storing a plurality of images" as the system reduces the original image size to the thumbnail image and stores the color data in the record (Fig. 2, col. 6, lines 18-21).

Further, Hoffman teaches the claimed "selecting means for selecting a single image

form the plurality of images, wherein the single image includes a plurality of objects" as

the image files are retrieved, by conventional systems, thumbnails are created and

displayed and it is well known that the single image includes plurality of objects (Fig. 1,

col. 5, lines 64-66). Further, Hoffman teaches the claimed "input means (examiner

interpreted input as clicking on keywords from Hoffman) [see Fig. 15, col. 11,

lines 19-23] for inputting relevant information (examiner interpreted relevant information

as pixel data from Hoffman) for each of the plurality of objects within single image

[see Fig. 3, col. 6, lines 43].   Further, Hoffman does not explicitly teaches a word

describing an interrelationship with at least another object. However, Schwartz teaches

"a word describing an interrelationship between one object with at least one other

object" as one picture on the web along with any accompanying text describing the

content picture (col. 13, lines 18-21). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to combine the

teachings of the cited references because Schwartz's teachings would have allowed

Hoffman's method to provide adoptive serial presentation of the desired items (col. 3,

lines 28-30). Finally, Hoffman teaches the claimed "memory means for storing the

relevant information input said input means in association with the single image" as the

closest match is saved 172 as the pixel in the thumbnail image (at Fig. 5, col. 7,

lines 2-14).

6.   As per dependent claims 2, 19, 36, Hoffman teaches the claimed "the relevant information includes at least one of a general name of an object, a qualifier therefor, a proper in thereof, and a position thereof" as the system allows the user to indicate number of keywords matching and as well as designating certain keywords as must match keywords (Fig. 15, col. 11, lines 15-23).

7.   As per dependent claims 3, 20, 37, Further, Hoffman teaches the claimed "the relevant information includes information expressing a state (examiner interpreted state as color from Hoffman) [see Fig. 15, col. 11, line 23] of an object in the single image" as a color selection 406 of screen 400 allows the colors of the image to be selected using color boxes (Fig. 15, col. 11, lines 23-25).

8.   As per dependent claims 5, 22, 39, Hoffman teaches the claimed "a plurality of words can be specified as the qualifier" as keyword selection section 402 allows the user to indicate number of matches (Fig. 15, col. 11, lines 15-18).

9.   As per dependent claims 6, 23, 40, Hoffman teaches the claimed "input means includes position designating (examiner interpreted designating as must match from Hoffman) [see Fig. 15, col. 11, line 21] means designating a position of an object in the single image, and display means for displaying an input window used to input relevant information concerning the object at the designated position" as one of the keyword selected is allowed to indicate as a must match keyword 415 by must match key depressed (Fig. 15, col. 11, lines 19-23).

10.   As per dependent claims 7, 24, 41, Hoffman teaches the claimed "the position

designating means designates positions of two mutually-related objects in the single

image" as the must match keyword will indicate the closely related to the image in

comparison to other selected key words (Fig.15, col. 11, lines 19-23).

11.   As per dependent claims 8, 25, 42, Hoffman teaches the claimed "retrieval

requirement input means for inputting requirements for retrieval, and image retrieving

means for retrieving images that meet the requirements for retrieval inputted by said

retrieval requirement input means" as the disclosure is designed to allow fast matching

of m out of n keywords (Fig. 15, col. 11, lines 39-48).

12.   As per dependent claims 9, 26, 43, Hoffman teaches the claimed "input means

inputs supplementary information including at least one of imaging-related information

of the single image, special object information thereof, category formation thereof,

impression information thereof, time information thereof, place information thereof,

weather information thereof, and event information thereof" as three databases are

involved in the keyword search and disclosed in detail (at Fig. 16, col. 11, lines 49-64).

13.   As per independent claims 10, 27, 44, 59, Hoffman teaches a system to store,

retrieve and display images of thumbnail size. The size of the thumbnails displayed can

be changed to allow visually reviewing a large number or concentrating on a smaller

number of but larger size images after reduction in the umber of thumbnails.

Thumbnails as well as other image files and other related text files are indexed and

searched using keywords. The search can be performed using personalized super-

keywords, which are combinations of keywords and other file and data characteristics

as keywords (col. 4, lines 8-21). Hoffman teaches the claimed "image storage means

for storing a plurality of images, wherein each image includes a plurality of objects" as

the system reduces the original image size to the thumbnail image and stores the color

data in the record and it is well known that the single image includes plurality of objects

(Fig. 2, col. 6, lines 18-21). Further, Hoffman teaches the claimed "memory means for

storing identification information for each of the plurality of objects in association with

relevant information (examiner interpreted relevant information as pixel data from

Hoffman) for the plurality of objects [see Fig. 3, col. 6, lines 43]. Further, Hoffman does

not explicitly teaches a word describing an interrelationship with at least another object.

However, Schwartz teaches "a word describing an interrelationship between one object

with at least one other object" as one picture on the web along with any accompanying

text describing the content picture (col. 13, lines 18-21). Thus, it would have been

obvious to one of ordinary skill in the data processing art at the time of the invention, to

combine the teachings of the cited references because Schwartz's teachings would

have allowed Hoffman's method to provide adoptive serial presentation of the desired

items (col. 3, lines 28-30). Further, Hoffman teaches the claimed "retrieval requirement

input means for inputting requirements for retrieval" as the invention allow fast match of

m out of n keywords when hundreds of thousands of files are being managed and

provides a unique method of searching keyword data   (Fig. 15, col. 11 lines 39-43).

Finally, Hoffman teaches the claimed "retrieving means for retrieving an image that

meets the requirements for retrieval inputted by said retrieval requirement input means

based on the relevant information stored in said memory means" as a dominant color

and original height and width allow index search on three criteria (Fig. 7A col. 8,

lines 56-59).

14.   As per dependent claims 11, 28, 45, Hoffman teaches the claimed "wherein the

relevant information includes at least one a general name of an object, a qualifier

therefor, a proper noun thereof, and a position thereof" as the system allows the user to

indicate number of keywords matching and as well as designating certain keywords as

must match keywords (Fig. 15, col. 11, lines 15-23).

15.   As per dependent claims 12, 29, 46, Hoffman teaches the claimed "wherein the

relevant information includes information pressing a state (examiner interpreted state as

color from Hoffman) [see Fig. 15, col. 11, line 23] of an object in the single image" as a

color selection 406 of screen 400 allows the colors of the image to be selected using

color boxes (Fig. 15, col. 11, lines 23-25).

16.   As per dependent claims 14, 31, 48, Hoffman teaches the claimed "the qualifier

is compromise of a plurality of words can be specified as the qualifier" as keyword

selection section 402 allows the user to indicate number of matches (Fig. 15, col. 11,

lines 15-18).

17.   As per dependent claim 15, 32, 49, Hoffman teaches the claimed "further

comprising a position designating means for designating a position of an object of

interest in the single image, and display means for displaying an input window used to

input the relevant information concerning the object at the designated position" as one

of the keyword selected is allowed to indicate as a must match keyword 415 by must

match key depressed (Fig. 15, col. 11, lines 19-23).

18.   As per dependent claim 16, 33, 50, Hoffman teaches the claimed "wherein said

position designating means designates positions of two mutually-related objects in the

single image" as the must match keyword will indicate the closely related to the image in

comparison to other selected key words (Fig.15, col. 11, lines 19-23).

19.   As per dependent claim 17, 34, 51, Hoffman teaches the claimed "wherein said

input means inputs supplementary information including at least one of imaging-related

information of the single image, special object information thereof, category information

thereof, impression information thereof, time information thereof, place information

thereof, weather information thereof, and event information thereof" as three databases

are involved in the keyword search and disclosed in detail (at Fig. 16, col. 11,

lines 49-64).

20.   As per dependent claim 52-57, Hoffman teaches the claimed "the relevant

information is textual information" as the reminder of the space of the screen 210 to be

used for text or other data, which needs to be combined with the images (Fig. 9, col. 9,

lines 9-13).

Response to Arguments

21.   Applicant's arguments filed on 8/15/2005 have been fully considered but they are

moot in view of the new ground of rejection. Hoffman, as combined with the newly

found Schwartz teach each and every limitation as discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Sathyanarayan Pannala
Examiner
Art Unit 2167

srp
October 3, 2005